REMARKS

The Office Action dated February 1, 2005 has been received and carefully considered. In this response, claims 1, 6-8, 11, 12, 16-18, 21-28, 38-40 and 42 have been amended, claims 2-5, 14, 15, 19, 20, 29, 30 and 33 have been canceled and claims 43-53 have been added. Support for the amendments to the claims and the addition of the new claims may be found in the specification and figures as originally filed. Entry thereof and reconsideration of the outstanding rejections therefore is respectfully requested.

Allowability of Claims 22-27, 30, 36 and 39

The Applicants note with appreciation the indication at page 9 of the Office Action that claims 22-27, 30, 36 and 39 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In an effort to advance the present application to issuance, the Applicants have amended the claim 28 consistent with the Examiner's remarks. Specifically, claim 28 has been amended to substantially recite subject matter originally recited by allowable dependent claim 30.

Anticipation Rejection of Claims 1-5, 7, 38 and 40

At page 2 of the Office Action, claims 1-5, 38 and 40 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Paver (U.S. Patent No. 6,049,882). This rejection is respectfully traversed.

Claim 1, from which claim 7 depends, has been amended to recite the limitations of: identifying an operating characteristic of an instruction buffer, *the operating characteristic comprising at least one of a buffer fullness, a rate of change of a number of pending instructions stored in the instruction buffer or a type of instruction stored in the instruction buffer*; and adjusting a system characteristic *based on the operating characteristic*, wherein a power consumption of a system is modified based on the system characteristic. Claim 38, from which claim 40 depends, has been similarly amended. These limitations were originally substantially recited by claims 6, 7, 21, 39 and 40.

With respect to the limitations of the operating characteristic comprising a type of instruction as recited by claims 1 and 38, the Examiner asserts that "Paver discloses an instruction processing with processor (fig. 5, 8), which inherently teaches processing different types of instruction [sic] including display instructions by processor associated with the system (it is inherent property processor to process different types of instructions [sic])." *Office Action*, p. 3. However, regardless of whether Paver discloses the processing of different types of instructions and therefore inherently identifying types of instructions, it is respectfully submitted that Paver fails to disclose that a system characteristic is adjusted based on the identified type of instruction. Accordingly, Paver fails to disclose the limitations of adjusting a system characteristic based on the operating characteristic, wherein the operating characteristic comprises a type of instruction as recited by claims 1 and 38. With respect to the limitations of the operating characteristic comprising a buffer fullness or a rate of change of a number of pending instructions stored in the instruction buffer as recited by claims 1 and 38, the Examiner does not assert that Paver discloses these limitations. Moreover, it is respectfully submitted that Paver does not disclose these limitations. Accordingly, it is respectfully submitted that the Office Action fails to establish that Paver discloses each and every limitation of claims 1 and 38, as well as each and every limitation of claims 7 and 40 at least by virtue of their dependency from one of claims 1 and 38.

In view of the foregoing, it is respectfully submitted that the anticipation rejection of claims 1-5, 7, 38 and 40 is improper and the withdrawal of this rejection therefore is respectfully requested.

Anticipation Rejection of Claims 1-10, 21, 38, 40, 41 and 43

At page 3 of the Office Action, claims 1-10, 21, 38, 40, 41 and 43 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Yu (U.S. Patent No. 6,463,542). This rejection is respectfully traversed.

As noted above, claim 1, from which claims 6-10 and 21 depend, and claim 38, from which claims 40, 41 and 43 depend, have been amended to recite the limitations of: identifying an operating characteristic of an instruction buffer, *the operating characteristic comprising at least one of a buffer fullness, a rate of change of a number of pending instructions stored in the*

instruction buffer or a type of instruction stored in the instruction buffer; and adjusting a system characteristic *based on the operating characteristic*, wherein a power consumption of a system is modified based on the system characteristic.

With respect to the limitations of the operating characteristic comprising a type of instruction as recited by claims 1 and 38, the Examiner asserts that "Yu . . . inherently teaches to process different types of instruction [sic] including display instructions, power management command by processor associated with the system (it is inherent property of CPU [sic] to process different types of instructions)(col. 5, lines 1-17)." *Office Action*, p. 4. However, regardless of whether Yu discloses the processing of different types of instructions, it is respectfully submitted that Yu fails to disclose that a system characteristic is adjusted *based on the identified type of instruction*. Accordingly, Yu fails to disclose the limitations of adjusting a system characteristic based on the operating characteristic, wherein the operating characteristic comprises a type of instruction as recited by claims 1 and 38.

With respect to the limitations of the operating characteristic comprising a rate of change of a number of pending instructions stored in the instruction buffer as recited by claims 1 and 38, the Examiner does not assert that Yu discloses these limitations. Moreover, it is respectfully submitted that Yu does not disclose these limitations.

With respect to the limitations of the operating characteristic comprising a buffer fullness, the Examiner asserts that Yu "teaches the operating characteristic (network activity) is based upon buffer fullness (buffer empty that means network is idle)." *Office Action*, p. 4. As acknowledged by the Examiner, Yu teaches entering a normal/power-down mode based on an SRAM buffer empty indicator that indicates whether data is present in the SRAM buffer. *See Office Action*, p. 3. However, the SRAM buffer empty indicator provides only an indication of whether the SRAM buffer is empty or has data and fails to provide an indication of the fullness of the buffer (i.e., how full the buffer is). One of ordinary skill in the art will appreciate that a buffer empty indicator is not the same or equivalent to an indication of buffer fullness. Accordingly, it is respectfully submitted that the Office Action fails to establish that Yu discloses adjusting a system characteristic based on the operating characteristic, the operating characteristic comprising a buffer fullness as recited by claims 1 and 38.

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As Yu fails to disclose the limitations of adjusting a system characteristic based on an operating characteristic, wherein the operating characteristic comprises at least one of at least one of a buffer fullness, a rate of change of a number of pending instructions stored in the instruction buffer or a type of instruction stored in the instruction buffer, the Office Action fails to establish that Yu discloses each and every limitation of claims 1 and 38, as well as each and every limitation of claims 4, 6-10, 21, 40, 41 and 43 at least by virtue of their dependency from one of claims 1 and 38.

In view of the foregoing, it is respectfully submitted that the anticipation rejection of claims 1-10, 21, 38, 40, 41 and 43 is improper and the withdrawal of this rejection therefore is respectfully requested.

Anticipation Rejection of Claims 28, 29, 31-35 and 37

At page 5 of the Office Action, claims 28, 29, 31-35 and 37 were rejected under 35 U.S.C. Section 102(e) as being anticipated by Veltchev (U.S. Patent No. 6,590,730). Claim 28, from which claims 31, 32, 34, 35 and 37 depend, has been amended to substantially recite the additional limitations of allowable claim 30 and intervening claim 29. Accordingly, it is respectfully submitted that the anticipation rejection of claims 28, 29, 31-35 and 37 is improper and the withdrawal of this rejection is respectfully requested.

Obviousness Rejection of Claims 11-20 and 42

At page 6 of the Office Action, claims 11-20 and 42 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Yu in view of Gupta (U.S. Patent No. 5,996,083). This rejections is respectfully traversed.

Claims 11-13 and 16-20 depend from claim 1. Claim 42 depends from claim 38. As noted above, Yu fails to disclose or suggest at least the limitations of claims 1 and 38 of: identifying an operating characteristic of an instruction buffer, *the operating characteristic comprising at least one of a buffer fullness, a rate of change of a number of pending instructions stored in the instruction buffer or a type of instruction stored in the instruction buffer*; and adjusting a system characteristic *based on the operating characteristic*, wherein a power consumption of a system is modified based on the system characteristic. The Office Action does

not assert that Gupta discloses or suggests these limitations. Accordingly, it is respectfully submitted that the Office Action fails to establish that the proposed combination of Yu and Gupta discloses or suggests each and every limitation of claims 1 and 38, as well as each and every limitation of claims 11-13, 16-20 and 42 at least by virtue of their dependency from one of claims 1 and 38. Moreover, these claims recite additional limitations neither disclosed nor suggested by Yu or Gupta.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claims 11-20 and 42 is improper and the withdrawal of this rejection therefore is respectfully requested.

Addition of New Claims 43-53

New claims 43-53 have been added. Support for the addition of the new claims 43-53 may be found in the specification and the figures as originally filed. The cited references fail to disclose each and every limitation of new claims 43-53 at least by virtue of their dependency from one of claims 1, 28 or 38. Moreover, these claims recite additional limitations neither disclosed nor suggested by the cited references.
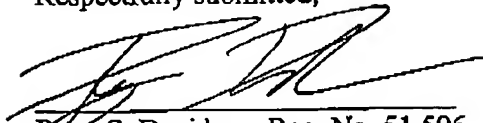
Conclusion

It is respectfully submitted that the present application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-0441.

PATENT

Respectfully submitted,

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Date

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